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Disarmament Commission

266th meeting

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New York

Chairman: Mr. Rowe ..... (Sierra Leone)

The meeting resumed at 3.25 p.m.

The Chairman: The third revision of the draft report of the Commission, contained in document A/CN.10/2005/CRP.2/Rev.3, was circulated to all delegations by fax this morning. I have been informed by the Secretariat that it was impossible to distribute it earlier owing to the fact that not all of the relevant services were operational during the weekend. I had promised that I was going to make some changes to revision 2. I did that over the weekend and transmitted the new version to the Secretariat. That is why members were not able to get it before this morning. I also instructed the Secretariat to circulate the previous revision, document A/CN.10/2005/CRP.2 Rev.2, to all delegations. Some delegations had requested a copy of it so that they could see the developments chronologically.

Before we turn to the content of the report, I would like to make a few oral amendments. The first relates to paragraph 8, under section II. In sub-paragraph (i), the final word, "weapons", should be replaced with "disarmament", so that it reads as follows:

> "Recommendations for nuclear disarmament and non-proliferation of nuclear weapons all its aspects, in particular for achieving the objective of nuclear disarmament."

Secondly, I should like to propose the following slight amendment. We can insert it into either paragraph 11 bis or paragraph 10 bis:

> "One delegation sought additional time before providing final approval to both the draft report and the package contained therein."

I am proposing that this amendment be inserted in either paragraph 10 bis or paragraph 11 bis, in section II.

We have the option, therefore, of addressing this particular amendment now, or, alternatively, of dealing with the report as a whole by going through it paragraph by paragraph.

If there are no comments, I will assume that my suggestion that we place the amendment in either paragraph 10 bis or paragraph 11 bis stands.

Perhaps we should start by considering the report paragraph by paragraph.

I am not sure whether we should go through section I, as it is just a straightforward formulation of the mandate from the General Assembly.

Mr. Shamaa (Egypt): Mr. Chairman, we would prefer to go through the report paragraph by paragraph. We would therefore be considering your suggestion when we come to the relevant paragraphs.

The Chairman: Is the representative of Egypt suggesting that we start with the introduction or, just to expedite our work, with section II? As I said earlier, section I contains only the mandate from the General Assembly.

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05-43697 (E)

Mr. McBride (United Kingdom): We have no amendments to propose for section I, and we are happy to move on straight to section II.

The Chairman: I think that we will move on to section II, paragraph 4. Are there any comments on, or amendments to, paragraph 4?

Paragraph 4 was retained.

The Chairman: We shall now consider paragraph 5.

Incidentally, I have just been informed by the Secretariat that additional names should be included in this paragraph. There are two Vice-Chairman posts, which we shall deal with later. I thought that perhaps we should address those, but, since we have set a deadline of 4 o'clock to receive recommendations from all the regional groups concerned, and we have 20 minutes left, I think that I should suspend any action relating to the nomination or endorsement of any candidate for the Bureau.

May I take it that paragraph 5 remains as is for now?

Paragraph 5 of the report was adopted.

The Chairman: Let us turn to paragraph 6, including parts (i) and (ii).

Mr. Shamaa (Egypt): I wish simply to make a small observation on paragraph 5, which states at the beginning that:

> "At its 266th (organizational) meeting, the Bureau of the Commission was constituted as follows ...".

Paragraph 6 states that:

> "The Commission, led by the Chair-designate for the 2005 substantive session ...".

I believe, therefore, that we need to put the date of the meeting in paragraph 5 to preserve the chronological order. Otherwise we will have, in paragraph 5, a Bureau which is constituted and, in paragraph 6, a Bureau that is still not constituted.

The Chairman: I have just been advised by the Secretariat of the rationale for that. I think that, with respect to the election of members of the Bureau, members were elected on two different dates, so we thought we should refer just to one meeting — the organizational meeting itself — specifying the date on which we elected one member from one group, and the date on which we elected the other member, from the other group. For convenience's sake, we thought that we would just indicate that the elections took place during the course of this meeting. We also left it open with respect to the election of the other members of the Bureau who had not yet been elected. I hope this satisfies the concerns of the representative of Egypt.

Mr. Shamaa (Egypt): In this case, I should like to suggest that we divide the paragraph in two, mentioning both dates, because that is what we are doing with the other paragraphs in the organizational report. After all, we are dealing with the same 266th organizational meeting. I think, therefore, that it would be more appropriate if the dates were reflected.

The Chairman: Is the representative of Egypt requesting that we reflect the date on which each member of the Bureau was elected?

Mr. Shamaa (Egypt): Did we elect each member of the Bureau on a different date, Mr. Chairman?

The Chairman: I do not recall how many members were elected on a given day.

Mr. Shamaa (Egypt): I do recall: I believe that the last two members — our colleague from Bolivia and, if I am not mistaken, our colleague from Jamaica — were elected on the same date. In other words, not only one member was elected on a given date. It should not be a big problem to include the dates on which the Chair and other members of the Bureau and on which our two colleagues from Bolivia and Jamaica were elected.

The Chairman: I have no problem with that. But I think that what we are dealing with here is, strictly speaking, the constitution of the Bureau rather than the dates on which its members were elected, because they were elected during the course of the organizational meeting. I believe that your chronological argument — which I take very seriously — would apply to substantive issues.

This is the constitution of the Bureau. For example, if we can skip this particular paragraph until later in the afternoon, perhaps the Bureau will be fully constituted by then. Then we will have to say that during the course of the organizational meeting, the Bureau consisted of such-and-such number of delegates from various regions, without stating the exact dates on which they were elected. So this is the

constitution: we had a Bureau consisting of this representative and that representative. As far as the dates are concerned, I really do not know.

Perhaps we could leave this issue, particularly since we still expect two more names later in the meeting. Could I suggest that we postpone discussion of this?

I would appreciate it if the representative of Bolivia could help us through this.

Ms. Terrazas Ontiveros (Bolivia): I would like to seek some clarification regarding the words "meeting" and "session", because document A/CN.10/2005/L.56 uses the phrase "organizational session", and we are using "meeting". I understand that this is the resumed 266th organizational session.

The Chairman: I give the floor to the Commission Secretary.

Mr. Cherniavsky (Secretary of the Disarmament Commission): The reason that we use the words "session" and "meeting" is the following. An organizational session may comprise one or more meetings; that is why we call it a session. In this particular case, the 266th meeting has spanned six months and several days because, according to my understanding, we have not been able to hold a substantive session. We are continuing the meeting so that we do not create the impression that we are going into a substantive session. I believe that that was one of the underlying reasons for calling this a meeting, because the 266th meeting started on 22 December 2004, and then it was suspended and resumed from 18 through 25 July 2005. Every time we suspended and resumed the meeting, it meant that, legally speaking, we were within the confines of one organizational meeting: the 266th. So the next substantive meeting of the Disarmament Commission will be the 267th, which, if it takes place, will be held next July.

The Chairman: Is that explanation accepted? Does it also cover our earlier discussion about the Bureau? Or would members prefer that, as I have suggested, we suspend consideration of paragraph 5 and add the two or three other names that we are expecting later in the meeting? If members have no objection, we will suspend consideration of paragraph 5, concerning the Bureau, for the time being.

Mr. McBride (United Kingdom): My comment concerns paragraphs 6, 8 and 9; it is the same amendment. As far as I can recall, it was only clear that we were talking about the 2006 substantive session once we had the whole package. Then you suggested, Mr. Chairman, that we agree on the package and suspend the meeting until the organizational session in November and December and then to resume substantive work in 2006. Prior to that, it was never made clear — for tactical reasons, as I understand — what session we were actually agreeing on agenda items for. So I would like to suggest the following amendment to phrases contained in paragraphs 6, 8 and 9. We should replace the phrase "in the provisional agenda of the 2006 substantive session of the Commission" with the phrase "in the provisional agenda of its substantive session", because I believe that that vagueness will correctly reflect what was being negotiated on 18, 19 and 20 July.

The Chairman: Let us deal, first of all, with paragraph 6. The proposal of the representative of the United Kingdom is that the last line should read "for inclusion in the provisional agenda of its substantive session", without specifying whether it is the 2006 session or the 2005 session.

Mr. Najafi (Islamic Republic of Iran): Mr. Chairman, I requested the floor before you suspended the discussion of paragraph 5. This same situation has prevailed in previous sessions: some members of the Bureau have been elected after the beginning of the session. That is why, in previous reports, we have referred to the Bureau using the word "during". In the most recent report, for example, we began with "During" the session and then continued, "the Bureau of the Commission was constituted as follows". So one way in which we could solve the problem in paragraph 5 would be to begin with "During" instead of "At".

With regard to the new proposal concerning paragraph 6, we agree with the comment of our colleague from the United Kingdom, because it had not been decided during the informal consultations whether or not there should be a substantive session. In the proposal made during the informal consultations, reference could not be made to 2006, since a 2005 session was still possible.

The Chairman: So, with this amendment by the representative of the United Kingdom, we can approve at least the main paragraph, paragraph 6.

If there is no objection, I shall take it that the Commission adopts paragraph 6, as amended.

Paragraph 6, as amended, was retained.

The Chairman: I now turn to paragraph 7, under section II.

Mr. McBride (United Kingdom): I apologize for taking the floor once again. We feel that paragraph 7 as drafted does not make clear why we are engaging in organizational meetings rather than discussing substance. I think that it would be healthy, for the sake of the report, for those who were not in the fortunate position of being with us last week, to have it explicitly written that the Commission did not meet to discuss substance because we had no agenda. I suggest changing the wording so that the paragraph would read:

> "At its resumed 266th (organizational) meeting on 18 July 2005, the Commission was unable to begin its substantive session because it did not have an agreed agenda. The Commission continued to discuss the two agenda items above as proposed by the Chairman."

I am flexible in terms of wording, but I think that the spirit of that amendment should be reflected in the text somewhere.

The Chairman: Is the assumption, then, that that decision was taken at the organizational meeting? It is not clear. Perhaps we should clarify it a little.

Mr. McBride (United Kingdom): My proposed amendment does not make reference to any decision. It is just a statement of fact.

I do not think that the Commission had to have made any sort of statement. This is just a statement of what actually occurred. It is rather confusing to have the Disarmament Commission, which is meant to discuss substantive issues, suddenly engaging in the procedural aspects of trying to agree on an agenda. I think that it would be healthy to explain why, at the start of the meeting, we were having discussions — discussions which, to date, have lasted for some six days. I think that it would be worth highlighting that. This is the appropriate point in the report at which to do so.

The Chairman: Before I make any comments, I would like to request delegations to comment on the proposal made by the representative of the United Kingdom.

Mrs. Maierá (Brazil): I agree with our colleague from the United Kingdom that it would help to clarify matters if we included something along those lines. Maybe language very similar to what he suggested could be included at the beginning of the sentence. We could say, "Because the Commission did not have an agreed agenda, it was unable to begin its substantive session". Then the rest of the paragraph could remain as it stands.

Mr. Najafi (Islamic Republic of Iran): In substance, we share the views of the representative of the United Kingdom. But I believe that, since paragraph 4 states that the Disarmament Commission did not hold any substantive meetings in 2005, perhaps in paragraph 7 we could shorten the wording proposed by our colleague from the United Kingdom, so that the paragraph would begin:

> "At its resumed 266th (organizational) meeting on 18 July 2005, because the Commission did not have an agreed agenda, it continued to discuss ..."

The Chairman: I think that this is a complicated issue, because the Committee is holding an organizational meeting. At some point in the course of the meeting it was determined that, in the absence of an agenda for a substantive session, the organizational meeting would continue to discuss the two agenda items proposed by the Chairman. So how we formulate that into rational language that can be understood is something that we should address right away. I repeat: we are holding an organizational meeting, which has its own agenda; the *Journal* for that day made clear that it was an organizational meeting. It is unusual for an organizational meeting go on almost indefinitely. Usually we have one organizational meeting. But we are holding an organizational meeting, in the course of which it was determined that, since we do not have an agenda for substantive work, we would prolong the meeting in order to discuss the agenda. That is what it has turned out to be.

Mr. McBride (United Kingdom): In the spirit of increasing cooperation, I would like to build on the proposal of my colleague from Iran and the recent comments that you, Sir, have just made. I think we could say,

"Because it did not have an agreed agenda for substantive work for the 2005 session, the Commission continued to discuss the two agenda points."

That might take into account the Iranian concerns and your concern, Sir, that we are talking about two different types of agenda.

Mr. Shamaa (Egypt): Although we have no problem with the proposal made by the representative of the United Kingdom, for the sake of consistency we have to have one approach to the full report. Either we embark on a factual approach or we embark on a descriptive approach. The latter would tie in with the proposal made by the representative of the United Kingdom. We have no problem either way, but depending on which approach we adopt, that would be applied to all relevant paragraphs in the report. That is my first point.

The second point that I have to raise is that there was no formal decision taken not to hold the 2005 substantive session. As you recall, Sir, we had the first of our resumed organizational meetings on 18 July, in the morning, if I am not mistaken. In that meeting, nothing was mentioned about holding or not holding the 2005 substantive session of the Disarmament Commission. Thus, I leave the conclusion to you, Sir, and to my colleagues.

The Chairman: Could we hear the revised version proposed by the United Kingdom, based on the amendment suggested by Iran and the point I raised a few minutes ago? Can we hear that, please, at dictation speed first?

Mr. McBride (United Kingdom): After "18 July 2005", we would insert ", because it did not have an agreed agenda for substantive work for the 2005 session,".

Miss Majali (Jordan): I am sorry to take the floor. However, I still would like more clarification from the representative of the United Kingdom on why, basically, he would like to make mention of the substantive session in this regard. My delegation is not really clear on that. We did take note that he said it was a statement of fact, but I would need more clarification because leaving it out would also be a statement of fact if we listened well to what our colleague from Egypt said.

Mr. Gala López (Cuba): May I request through you, Sir, that our colleague from the United Kingdom repeat how the amended paragraph would read?

The Chairman: Could the representative of the United Kingdom please repeat the amendment?

Mr. McBride (United Kingdom): Does my colleague from Cuba need it at dictation speed or normal speed? After that, if I may, I will answer the question raised by my colleague from Jordan.

The paragraph would now read:

"At its resumed 266th (organizational) meeting on 18 July 2005, because it did not have an agreed agenda for substantive work for the 2005 session, the Commission continued to discuss the two agenda items above as proposed by the Chairman."

Does my colleague from Cuba need me to repeat it again?

Mr. Gala López (Cuba) (*spoke in Spanish*): I thank our colleague from the United Kingdom for repeating his proposal. I take this opportunity to note that, with the proposed addition, my delegation feels that the latter part would leave a margin for doubt, because it says that the Commission "continued to discuss" the two agenda items proposed by the Chairman. It might perhaps be necessary to explain that the substantive issues were not discussed and that we debated the formulation of the agenda. Otherwise, it might give the impression that the Commission went into the substantive debate on the basis of two proposed items.

Mr. Shamaa (Egypt): I would just like to reiterate once again that we should decide if the course of reporting is to be factual or descriptive. When I say "descriptive," that translates more into explaining the course of events that took place. Once again, if we are going to embark on that approach, we will have to stick to it with each and every paragraph that follows, but we will not be able to go along with the descriptive approach on one paragraph and the factual approach on another.

If we choose factual, it is very clear — as was noted by my colleague from Iran — that, at the beginning of paragraph 4, the Disarmament Commission did not hold any substantive meetings in 2005. That is a fact, and even more so as there was no

formal decision taken at the organizational meeting not to have a substantive session in 2005. Thus, I would ask you, Sir, to look into that.

The Chairman: I guess, in our enthusiasm to really work, maybe a few things were just ignored, sometimes deliberately, but I think that, in the name of consensus, we are aiming at the objective of doing something.

I would like to suggest that, in my view, the way paragraph 7 is drafted now is clear. I read it several times. Whether it represents just the facts or is descriptive is open to question. I would put to the Commission that we could remove the line in paragraph 4 where it says that "The Disarmament Commission did not hold any substantive meetings in 2005." We could incorporate it into paragraph 7.

The fact is, there was no substantive session of the Commission in 2005. Full stop. There was none. So if we go straight to the idea of the organizational meeting — discussing the agenda items proposed by the Chair in an organizational meeting — it will be clear and obvious to anyone. So I would suggest that we can find our way out of this by just removing the first sentence of paragraph 4 and putting it at the beginning of paragraph 7 or making it paragraph 6 bis, followed by paragraph 7 as it appears in the draft. It follows: there was no formal substantive session of the Commission. It is clear, without going into minute detail, that most of our work was done in the organizational meeting. I put that to the Commission.

My proposal for paragraph 6 bis would read as follows: "The Disarmament Commission did not hold any substantive meetings in 2005." Paragraph 7 would remain as it appears in revision 3 of the draft.

Mr. McBride (United Kingdom): I think that we would support the proposal to have a paragraph 6 bis, but my Cuban colleague has highlighted one possible misunderstanding with regard to the phrase "continued to discuss the two agenda items above as proposed". I think it is right to indicate that we were not discussing the substance of those agenda items, but actually the proposal for two agenda items. That, combined with the proposed paragraph 6 bis, would satisfy my delegation.

Mr. Lew (Republic of Korea): Very briefly, I do not want to complicate this discussion further, but with all due to respect for the points made by my colleague from the United Kingdom and others, if the Commission were to accept the last amendment proposed by my colleague from the United Kingdom, while we would have no big problem going along with it, from a purely logical standpoint it really does seem to me to reflect some duplication. We read "because it did not have an agreed agenda for substantive work for the 2005 session, the Commission continued to discuss the two agenda items". What is that? It is too explicit by itself. If we had agreed agenda items, then we would not have continued to discuss them. At this point, I wonder whether logically there is any specific need to repeat the same point.

In addition to that, because we have already referred in paragraph 4 to the point that the Disarmament Commission did not hold any substantive meeting in 2005, as pointed out first by my Iranian colleague, I really wonder whether we need the amendment to paragraph 7.

I think that the last proposal that you made, Sir, would perhaps be a good compromise for resolving the issue.

Mrs. Martinic (Argentina): I apologize for taking the floor, since it was not my intention to prolong this discussion.

I agree in part with what was said by our colleague from the Republic of Korea. At the same time, I have also to disagree with all the proposals made by our colleagues and by you, Sir, because we say in paragraph 15: "Also, on 25 July 2005, under the circumstances, the Commission decided to close its 2005 organizational session" and so on. That means that we never reached the opening of the substantive session, so I think that perhaps we need to take a closer look at the report as a whole and then see where we can be more descriptive if we want to be.

But definitely, at this stage, in considering paragraph 7, we are still at the organizational stage and have not reached the stage of opening the substantive session. That is my point with respect to paragraph 15.

The Chairman: If the Commission accepts my proposal, I think — although it is not set in stone — that it will expedite our work, because both paragraph 9 and paragraph 10 refer to the 2006 substantive session. As far as I remember, there was no formal agreement in which we decided that what we were dealing with will be for the 2006 substantive session

until, if I recall — and please correct me — we were discussing the question of the effectiveness of the methods of work, as appears in paragraph 10.

When this whole thing emerged, we realized that it was not possible to have any substantive work done in 2005. The formulation of paragraph 10 was exactly the formulation I received from the two main regional groups, the European Union and the Non-Aligned Movement, in which specific reference was made to the 2006 substantive session.

To resolve this issue, we all agreed that we did not hold a substantive session in 2005. Of course, we have the option of saying that that was because of one thing or the other. We could be as descriptive as possible and go into the details. We might even want to go into the details of why we were unable to move beyond the package that we agreed in principle.

So we should not get ourselves tied up in details. Yes, we want to give a true account of what happened. I used the phrase last time about opening Pandora's box. So if we want to state the reason why we did not, it is a fact that if we had had an agenda, we would have worked and had a substantive session. Let us accept the fact that we did not hold a substantive session and that, in effect, we extended the organizational session and tried to resolve the agenda issue. That is a fact, so I would appeal to members to consider it. If it is not acceptable, then I am open to any other suggestion. That is the reason why I said we could link the two facts that we did not have a substantive session and that we did have an organizational meeting in which we dealt with the issue of an agenda for a substantive session — not of 2005, but of 2006. It is clear.

I am sure that if we had adopted our report last Thursday or Friday, there would have been no reason for this. But let us deal with this, please. I still have my suggestion on the table. If it is not acceptable, then I am open to any other suggestion.

Mr. Rachmianto (Indonesia): Perhaps my delegation can suggest something on the issue of whether or not we can have the report ready this afternoon.

I just have a minor amendment, as suggested by my Iranian colleague. In paragraph 4, we already have reference to the fact that the Commission did not hold substantive meetings in 2005. By using some elements proposed by our colleague from the United Kingdom, perhaps we can continue the first sentence of paragraph 4 by adding, for instance, "because it did not have agreed agenda items". Then, perhaps, paragraph 7 can remain as it is, as you proposed, Sir.

Mr. McBride (United Kingdom): This will be my last attempt to amend paragraph 7 as it is — whether or not we have a paragraph 6 bis or the sentence remains in paragraph 4.

To take into account the concerns which were raised by my Cuban colleague and supported by my delegation, I think we need maybe to be just a bit clearer in terms of the expression "discuss the two agenda items". Perhaps we can amend the paragraph to read:

> "At its resumed 266th (organizational) meeting on 18 July 2005 the Commission continued to discuss the Chairman's proposal for the two agenda items as listed above."

I am just wondering whether it would be clearer that we were actually discussing not the substance of the two agenda items but the proposal for two agenda items for substantive meetings. I will not insist if that meets with the opposition of the rest of the Commission, but I think clarity is sometimes useful.

The Chairman: I think we might want to consider the proposal just made by the representative of Indonesia that we leave paragraph 4 as is, but add "because it did not have an agenda" or something to that effect. If that does not meet with the Commission's approval, can we hear the United Kingdom's suggestion again?

Mr. McBride (United Kingdom): The amended paragraph would read:

> "At its resumed 266th (organizational) meeting on 18 July 2005 the Commission continued to discuss the Chairman's proposal for the two agenda items as listed above."

Before the Commission agrees to the proposal, I just wanted to check what we were doing about the sentence "The Disarmament Commission did not hold any substantive meetings in 2005." Will it be treated as a separate amendment or as part of the same package?

The Chairman: My assumption is that it remains. I only suggested that as a way out. Now that we are out of the hole, I would keep paragraph 4 as it is and, hopefully, the Commission will accept the

amendment proposed by the representative of the United Kingdom.

If there is no objection, paragraph 7, as amended, will read:

> "At its resumed 266th (organizational) meeting on 18 July 2005 the Commission continued to discuss the Chairman's proposal for the two agenda items as listed above."

Paragraph 7, as amended, was retained.

The Chairman: We turn now to paragraph 8.

Mr. McBride (United Kingdom): As highlighted when we discussed paragraph 6, I would like to suggest again the amendment whereby the words "the 2006" in paragraph 8 would be replaced by the word "its", and then the words "of the Commission" would be deleted. The amended paragraph would thus read, in part, "on the provisional agenda of its substantive session." Unless you want to address it at the same time, Sir, I will be repeating the same amendment for paragraph 9.

Mr. Najafi (Islamic Republic of Iran): I have a general observation with regard to paragraphs 8, 9 and 10, as they appear in the draft. Since there has been an understanding from the beginning that it would be a kind of package, separating those paragraphs might imply that we indeed agreed or decided on each of them separately. My suggestion would be to have all three paragraphs combined into one paragraph with one number.

Ms. Leong (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We have no problem with the reference to the three matters as a package in a single paragraph, but if they are addressed separately we would wish to note that the dates are incorrect. The agreement in principle on the first item was reached on 18 July and that on the second on 19 July, and not as they are reflected in the draft.

The Chairman: Before I address the dates, I wish to point out that, of course, we are talking about a package and so on, but the Commission accepted my proposal that, without prejudice to that "package", we address each of those agenda items one by one and give preference in that order to nuclear disarmament. I banged the gavel when the agreement was reached on that particular item, except of course that some delegations wished to see what the agreement was on the other items — in other words, to accept it without prejudice to their views on the other items.

So it is a fact that we accepted an agreement *ad referendum*, or in principle, on the first item. As we are dealing with this chronologically, I request that the Secretary check the dates; perhaps I made a mistake. When we were finished, we had reached agreement on the second item and on the issue of revitalization of the Commission. Then the idea came up that we had a package. Until that time, the objective had been a package, but we had not been able to talk about having a package. I recall using the term "incremental" without prejudice to the idea of a package. So that is the reason. And, to be safe, we should take a chronological approach: on this date we did that; on the next date we did that.

Miss Majali (Jordan): I should like to say that in my delegation's view, what the representatives of both Iran and Venezuela were saying is correct. The way I see it, the problem is that there is no paragraph clearly stating that all three issues were a package. We agree that the chronological presentation is also important, as the Chairman said.

Paragraph 11 is a little unclear; it refers to a package, but it does not really say that paragraphs 8 and 9 are the package. Perhaps you, Mr. Chairman, or other representatives might come up with a paragraph stating clearly that paragraphs 8 and 9 are part of a package. I think that that might solve the problems mentioned by our colleagues. Or perhaps we might include a separate paragraph 8 bis, stating clearly that both are part of the package, keeping the chronological order, as you said, and making sure that everyone's concerns are on board. But it is true that, as our colleague from Iran said, it does not convey that there was a package. And, as our colleague from Venezuela rightly stated and as you echoed, the parts of the package were agreed on different dates. So what we need is a clear statement that both of these issues were part of the package.

Mr. Najafi (Islamic Republic of Iran): I should just like to echo what my Jordanian colleague said with regard to the language used in paragraphs 8, 9 and 10. In paragraphs 8 and 9, the agreement is referred to as *ad referendum*, but paragraph 10 refers only to an agreement by the Commission. It was not my delegation, but another delegation, that stated clearly during the discussion on the first agenda item that it

would wait to see the results on the third issue. So from the beginning, there was an understanding of sorts that it would be a kind of package.

However, paragraph 11 refers to a package, but it does not make clear what the package is. So it is a somewhat confusing formulation. For that reason, I said that perhaps a simple solution would be not to try to explain everything in paragraph 11, but to remove the numbering of paragraphs 9 and 10 to show that those issues were discussed together.

While I have the floor, I should like to add that if we are going to refer to the agreement on agenda items 1 and 2 as *ad referendum*, the same should be applied to the agreement on the third issue.

Mr. McBride (United Kingdom): I would like to agree with all of the preceding speakers. While the Chairman very carefully avoided the concept of a package throughout the negotiations, a number of delegations — including that of the United Kingdom, on behalf of the European Union — made explicit reference to it at every stage.

I am just trying to think about how to provide for that concept and keep all of the various elements. I wonder whether it might be best to simply refer to the decision we reached on 20 July, when we started talking about a package and agreed to present it all as a package. That would mean that we would forget about listing in the report the intermediate steps of each item being approved *ad referendum*, subject to the wider package. On 20 July, we finally agreed upon a package that we would start considering as a Commission. That may be the solution that will enable us to represent paragraphs 8 through 11 in one concise paragraph that lists the three proposals.

The Chairman: In other words, the presentation would no longer be chronological. What I hear is that perhaps we should combine what are now paragraphs 8, 9 and 10 into one paragraph and refer to it as a package. Indeed, I reproduced paragraph 10 as is: it was the text that was handed to me after the negotiations among the various groups. There was absolutely no reference to "*ad referendum*" or "in principle".

My assumption, then, is that in order to be consistent, the package should include agenda items 1 and 2 and the issue of working methods; it should be a three-part package of two agenda items and one discussion item. We should put all of them together and ignore the fact that each of them was agreed on a different date. I believe that paragraph 8 was agreed on 18 July, not 19 July — that is why I was going to check the dates.

I did this deliberately — perhaps the Commission will decide to do otherwise — to emphasize the process that was followed. It does not go into detail, but it shows how we were we able to carve out whatever agreement we arrived at last Thursday. If members want to dispense with all of that, I am in their hands. As I said, I believe that the previous draft report combined all of them. But this is a different report; a new development took place. That is why I decided — after requesting the concurrence of members — to present things chronologically, in the order in which they happened. If members wish, we could add "*ad referendum*" or "in principle" to paragraph 10. Alternatively, we could combine paragraphs 8, 9 and 10 and say that agreement on everything was reached on 20 July. So I am in members' hands.

Ms. Aghajanian (Armenia): Mr. Chairman, I listened carefully to my colleagues and, in an effort to make minimal changes to your text and to take into consideration the issues raised, I would simply suggest that we add a phrase to paragraph 10. I would suggest also that we include the date — 20 July. The paragraph should read as follows:

> "On 20 July 2005, the Commission agreed, as part of the package, including the two agenda items mentioned above, that the issue of measures for improving the effectiveness of the methods of work of the Disarmament Commission ...",

and the rest would be the same as in the current text.

The Chairman: Does the representative of Iran wish to comment on the Armenian proposal?

Mr. Najafi (Islamic Republic of Iran): Mr. Chairman, I wanted to react to the proposal made by our colleague from the United Kingdom, but, if you believe that the new proposal might solve this problem, I will postpone my comments thereon.

However, I should like to mention that, in the recent agreement on the third issue which was presented to you, the word "also" was in brackets. It was clear that, indeed, the agreement on the third issue was linked to two agenda items.

The Chairman: Just to simplify our work, we might, based on the Armenian proposal, add the word "also":

"On 20 July, the Commission also agreed ..."

Mr. Gala López (Cuba) (*spoke in Spanish*): We believe that using the proposal made by the representative of Armenia could, indeed, be one way to avoid drastically changing the wording. It would seem to us logical to use the phrase "The Commission agreed, *ad referendum*", and it would be consistent with the way the agreement is referred to in paragraphs 8 and 9. In other words, we could add to the wording proposed by the representative of Armenia the phrase "*ad referendum*" in referring to the agreement.

The Chairman: So, using the Armenian proposal as a basis, the paragraph would then read:

"On 20 July, the Commission also agreed, *ad referendum*, as part of the package ..."

and so on.

We will therefore dispense with the phrase "in principle" in paragraphs 8 and 9 and add the phrase "*ad referendum*" in paragraph 10, as suggested by the representative of Cuba.

Mr. Shamaa (Egypt): First, with regard to paragraph 8, the fourth item on the agenda of the organizational meeting, contained in document A/CN.10/L.56, is "Draft provisional agenda for the substantive session of the Disarmament Commission for 2005". When we were discussing the agenda items in paragraph 6, it was not for the purpose of recommending the inclusion of the items; it was an agreement by the Commission on the agenda items.

Thus our proposed wording for paragraph 8 would read:

"On 19 July 2005, the Commission agreed, *ad referendum*, to the inclusion of the following item on nuclear disarmament, as proposed by the Chairman, on the provisional agenda of its substantive session",

as per the proposal that was made by our colleague from the United Kingdom.

The same would apply to paragraph 9.

With regard to paragraph 10, the proposal made by the representative of Armenia is indeed a constructive one, but, at the same time, we would like to propose a small change to it, to wit:

"On 20 July 2005, the Commission also agreed on a formulation to be reflected in its report, which states",

and here we would open brackets and put the text of the language that was agreed to, because that language is not stand-alone language. It is part of the package, and its inclusion in the report was based on that.

Therefore paragraph 10 as it stands now is no longer valid. Its language was agreed to on 20 July as part of a package. On that day, 20 July, the phrase "*ad referendum*" was removed from the two agenda items, on nuclear disarmament and on conventional weapons. As a result, paragraph 10 as it stands is incorrect.

The Chairman: I am really confused. I know that paragraphs 8, 9 and 10 are interrelated, and, just to facilitate our work, I entertained a discussion of all three paragraphs. However, we are going paragraph by paragraph, so perhaps at this point — having listened to the suggestion by the representative of Armenia, the suggestion by Cuba to improve on that, and the proposal by the representative of Iran for further improvement — we should be dealing only with paragraph 8.

If I heard the representative of Iran correctly, he was suggesting that we delete the word "recommend", in the second line. Of course, we would delete the phrase "in principle" and leave the phrase "*ad referendum*", and then delete the word "recommend". Is my understanding correct? Does the representative of Egypt concur? I see that he does. Let us then deal with that first.

The representative of Egypt has proposed that we delete the word "recommend" in the second line of paragraph 8. Is this acceptable?

Mr. Bravaco (United States of America): I have a question. If we were to agree to that — and this is sort of putting the cart before the horse — how would the change to paragraph 8 and, I suppose, paragraph 9 interact with the formulation that we now have in paragraph 11? I think that that would necessitate a change in paragraph 11. I want to be aware of what your understanding is, Mr. Chairman, because paragraph 11 uses the term "recommending", and I think that refers back to the word "recommend" in

paragraphs 8 and 9. So, if we agree to these changes in paragraphs 8 and 9, we are also up front agreeing, of necessity, to a change in the formulation of paragraph 11. Is that a correct understanding?

The Chairman: It is not a correct understanding. As I said, I have tried, as best as possible, to work chronologically. Paragraph 11 represents the Chair's position. We will wait and see how the Commission intends to handle this. The Commission accepted the Chair's suggestion, exactly as stated here. If it is the wish of the Commission to delete that, then, by all means, the Commission can do so. But this is my own suggestion to the Commission, and there was no objection to it.

Perhaps, therefore, we should deal — as I said earlier — with paragraph 8 first. If we agree to delete the word "recommend" in the second line, we can do that, and then work accordingly. We may have to remove the word "recommend" also in paragraph 9.

Ms. Aghajanian (Armenia): I do not think that we have reached paragraph 9 yet, but I wanted to make sure that the date there is 19 July, because that is exactly the date on which we agreed to the second item.

The Chairman: We will check the dates later on.

Mr. Gala López (Cuba) (*spoke in Spanish*): Very briefly, we wish to second the proposal made by Egypt. We believe that his proposal would much better reflect what has actually taken place during our organizational meeting.

Mr. McBride (United Kingdom): In principle, we would also support the Egyptian proposal. I have a slight query for the Secretariat. I would like to know whether the Commission can agree or whether it can only recommend in terms of procedural issues. This is just a question of procedure as opposed to one of substance. We can go ahead with the Egyptian proposal.

The other thing is, I would also like, similarly to my Armenian colleague, to make sure that paragraph 8 starts with the words "On 18 July 2005", as that was the date when it was agreed.

The Chairman: I had suggested earlier that we change the date to 18 July.

Paragraph 8, as amended, would therefore read:

> "On 18 July 2005, the Commission agreed, *ad referendum*, to the inclusion of the following item on nuclear disarmament, as proposed by the Chairman, on the provisional agenda of the substantive session of the Commission".

We would therefore delete the word "recommend", in the second line, as well as "2006", in the third line, as suggested by the United Kingdom.

Paragraph 8, as amended, was retained.

The Chairman: We turn now to paragraph 9.

We will start by deleting the phrase "in principle", in square brackets, in the third line, and leave the phrase "*ad referendum*".

Based on the Egyptian proposal for paragraph 8, I shall take it that the Commission wishes to delete the word "recommend" in the third line of paragraph 9. We shall also delete "2006" and replace it with the phrase "its substantive session".

Mr. Shamaa (Egypt): Mr. Chairman, in order to keep the wording in line with that of paragraph 8, as read out by you, I think that paragraph 9 should say "on the provisional agenda of the substantive session of the Commission".

The Chairman: We are deleting the last three words, "its substantive session". Is that what the representative of Egypt meant?

Mr. Shamaa (Egypt): Mr. Chairman, when you read out paragraph 8, the wording was "on the provisional agenda of the substantive session of the Commission". That is what I heard you read out earlier. We can go along with that; that is what we adopted. We believe that paragraph 9 should have the same wording — that is, "of the substantive session of the Commission".

Mr. Charwath (Austria): I am sorry to dwell on this subject a bit longer, but I think that paragraph 6, as adopted, reads "in the provisional agenda of its substantive session". I also thought that this was what we had agreed on in paragraph 8 and in paragraph 9. I thought that, so that everything could be in line, we always had to use the phrase "of its substantive session".

The Chairman: That is the wording in paragraph 6, "its substantive session". I will strike out

"of the Commission". It is an editorial change, and the Secretariat will adjust the text accordingly.

Paragraph 9, as amended, was retained.

The Chairman: We turn now to paragraph 10.

I give the floor to the representative of Armenia to present paragraph 10 to us, taking into consideration the suggestion by the representatives of Cuba and of Iran. It would read something like:

> "On 20 July, the Commission also agreed, *ad referendum*, as part of a package ..."

May we please hear that again?

Ms. Aghajanian (Armenia): I will do my best.

> "On 20 July 2005, the Commission agreed, *ad referendum*, as part of the package ..."

The Chairman: We should insert the word "also".

Ms. Aghajanian (Armenia): That is a question I was going to ask. If the date "19 July" appears in paragraph 9, can we use "also", as the date is different? We do not have a problem with the word "also". I am just asking a question.

The Chairman: It is a question, in substantive terms, of the linkage between these two issues.

Ms. Aghajanian (Armenia): I see. Let me repeat:

> "On 20 July 2005, the Commission also agreed, *ad referendum*, as part of the package, including the two agenda items mentioned above, that the issue of measures for improving the effectiveness of the methods of work of the Disarmament Commission will be considered in plenary meetings of its substantive session, with equitable time allocated to it."

The Chairman: This means that we are amending the formulation that was carefully negotiated among the regional groups. I have a copy of it in my pocket — it refers specifically to the 2006 substantive session. The thing is that, even if we decide to remove a reference to 2006, at some point in this report we will have to state what session we are talking about. I just want to flag that.

Mr. McBride (United Kingdom): I think that the reference to 2006 here is completely different from the references in paragraphs 6, 8 and 9. As you pointed out, Sir, we were negotiating a text. I believe that the proposal made, I believe, by my colleague from Egypt was,

> "On 20 July 2005, the Commission also agreed, *ad referendum*, as part of the package, including the two agenda items mentioned above, the following:"

Then we would include the proposal that you, Sir, received. Because, as you pointed out, the wording was carefully negotiated by a number of Member States, not by just the two regional groups that you mentioned. I think that, for the sake of transparency, it may be useful to have the wording of the paragraph itself.

The Chairman: I knew exactly what it was, but I wanted an explicit explanation. I understand that this is very specific. This particular issue will be discussed at the 2006 session. As I said, the question of the cycle is going to be discussed later. There was agreement that it would be discussed in 2006. So we will leave the reference to 2006 as it is.

We have just heard a proposal from the representative of Armenia based on a suggestion from Iran and Cuba.

Mr. Shamaa (Egypt): I would like to propose a slight modification to the proposed wording of the paragraph, so that it would begin:

> "On 20 July 2005, the Commission also agreed, in addition to the two agenda items mentioned above, that the issue of ..."

It would then continue as read out by the representative of the United Kingdom.

The Chairman: Would the representative of Egypt please repeat the proposed amendment.

Mr. Shamaa (Egypt): It would read, "On 20 July 2005, the Commission also agreed," — I believe that there was a proposal by Cuba to add "agreed a draft" — "in addition to the two agenda items agreed to above, that ..."

Then we would continue with the wording proposed by the United Kingdom.

The Chairman: I am not sure that it was the representative of the United Kingdom who made that proposal. The proposal of the representative of Armenia related to the first line, based on a suggestion by Cuba and Iran. I said that this particular paragraph

was agreed to by the two major groups. What we were clarifying was the issue of 2006. We said that the reference to 2006 in this particular paragraph was necessary. It was intended that this particular issue of the revitalization or effectiveness of the working methods of the Commission would be discussed at that session. That is why we wanted to keep the reference to 2006.

Egypt, then, is proposing that the paragraph should start,

> "On 20 July, the Commission also agreed, *ad referendum*, in addition to the two agenda items agreed to above, that the issue of measures for improving the effectiveness of the methods ...".

Mr. McBride (United Kingdom): If I understand my Egyptian colleague correctly, he was referring to the statement that I made just before he took the floor, in which I suggested that, following his wording — or wording to that effect — we would have something which would read as follows:

> "On 20 July 2005, the Commission also agreed, *ad referendum*, in addition to the two items listed above, the following:"

We would then present the wording that was negotiated on 20 July in the same format as we are presenting the two other proposals, that is, indented. We would then just spell it out using the exact wording, as negotiated with you, Sir. So it would be highlighted as a separate proposal. I think that is what my Egyptian colleague was referring to when he mentioned the United Kingdom proposal.

Mr. Najafi (Islamic Republic of Iran): I am a little bit confused; I do not know whether my colleagues are in the same situation. As I understand it, the agreed wording, as suggested by the representative of the United Kingdom, should be within quotation marks, to the effect that the agreement was on "the following". Then we would include all of the formulations as quotations so as to show that, indeed, it is not an agreement for 2006. As it stands, it seems to indicate that we have already agreed to discuss this issue at the 2006 substantive session, whereas, in fact, what we agreed to was a kind of formulation — in relation, of course, to two other agenda items referred to by our Egyptian colleague.

We suggest that, if we want to quote that formulation, it should be given as a quotation so as to show that the formulation is what we agreed to. We are not agreeing here to discuss any issue in 2006.

The Chairman: I want to make it quite clear that this formulation was given to me in writing. If it is the wish of the Commission at this stage to accept the amendments that have been suggested by Armenia, Iran and Cuba or to change the whole paragraph, we can do so. What was given to me was not within quotation marks. I reproduced it as it was. The only word that was left out — as I think the representative of Iran mentioned — was "also", which was in the text that I received. So if it is the wish of the Commission at this stage to highlight in quotation marks this particular issue, we can do so. If not, we would discuss or accept the amendment proposed by the representative of Armenia, together with the suggestion by the representatives of Iraq, Iran and Cuba, which the Armenian representative just read out. The representative of Egypt also proposed to adjust the first few lines of the proposal by the representative of Armenia. In other words, we have three options. We are losing time.

Mr. Shamaa (Egypt): First of all, I fully agree with the comment just made by the representative of Iran regarding the reference to the 2006 substantive session in this formulation, especially with regard to the fact that we have already accepted the proposal to remove the references to the 2006 substantive session in the previous paragraphs.

Let me repeat once again the suggestion concerning the proposal by the representative of Armenia, with a slight amendment by the representative of the United Kingdom:

> "On 20 July 2005, the Commission also agreed, *ad referendum*, in addition to the two agenda items agreed to above, to include the following text in its report:"

Then we would insert the text of paragraph 10 as it appears now, with the deletion of "2006". So it would read as follows:

> "'Furthermore, the Commission agreed that the issue of measures for improving the effectiveness of the methods of work of the Disarmament Commission will be considered in

plenary meetings at its substantive session, with equitable time allocated to it'".

I believe that keeping "its substantive session" would fall in line with the proposal — which I believe was made by our colleague from Austria — regarding paragraphs 6, 8 and 9.

Mr. Najafi (Islamic Republic of Iran): We can go along with the proposal just made by our colleague from Egypt. I should just like to make a clarification. Mr. Chairman, you stated that you had reflected exactly the language given to you by the various regional groups. That is a fact. But you should bear in mind that that language was proposed under the assumption that there would also be agreement on two other agenda items, and that did not happen. We cannot reflect only one fact, which was in one context, in another context. That is why I said that the formulation appearing in paragraphs 8, 9 and 10 might be somewhat misleading.

Our colleague from the United Kingdom proposed that we simply present the package — the two agenda items and the formulation — very directly, saying that the package was proposed and, in the end, there was no agreement on it. However, I am not insisting on that, since we are simply trying to come up with a quick fix for your proposal. So I could go along with the most recent proposal by our colleague from Egypt. I hope that it will solve the problem.

Mr. McBride (United Kingdom): Before saying that I can go along with the Egyptian proposal, I would just like clarification in terms of one amendment he made to the final proposal, which — if I understand it correctly — is that we delete "2006". On 23 July, there was an explicit reference to 2006, and it was part of the negotiations. I was just wondering if I could inquire through you, Mr. Chairman, as to why the Egyptian delegation is now proposing the deletion of "2006". In our negotiations on the agenda, that was the first time that there had been an explicit reference to a year, and it led you to talk about suspending the organizational session until October and then starting substantive work in 2006. I remember an explicit reference to 2006. I would just be very interested to know why we suddenly have this deletion proposal when we are preparing what is meant to be a factual or descriptive report of the Commission's work.

The Chairman: I was going to ask that myself. That is why I asked how far we could go in amending a paragraph that had been negotiated among the various groups. My understanding was — and I am not taking sides here — that, whatever the formulation was, this particular issue would be discussed in 2006. But if the Commission now decides not to refer to any specific date, then we will accept its decision.

The representative of Egypt may wish to respond to the question raised by the representative of the United Kingdom.

Mr. Shamaa (Egypt): We are sure that you do not take sides, Mr. Chairman.

I want to thank my colleague from the United Kingdom for his question. This is just for the sake of clarification; I am sure he recalls the history of our negotiations over the past week. Although we have not formally decided that we will have no 2005 substantive session, I believe that when all delegations agreed to extend the negotiations on the agenda for the substantive session, there was a kind of de facto recognition that we were discussing the 2006 agenda and preparing our work for 2006. Hence, when we reached agreement on the first agenda item, on the second agenda item and on the formulation that was to be reflected in the report, it was all with the understanding that we were preparing for the 2006 substantive session. The reason why I mentioned that negotiating history is that — and I am sure you will agree, Mr. Chairman — at this point, we do not have those elements. Thus the formulation as it first appears in draft report A/CN.10/2005/CRP.2/Rev.3 is incorrect; it does not reflect what happened. That is why we said that the proposal by the representative of Armenia is a positive proposal that we can work with. It is also why we suggested the inclusion in paragraph 10 of the language "to include the following text in its report", reflecting the *ad referendum* agreement referred to in the first line.

Hence, if there was no agreement on an agenda for the 2006 substantive session, we cannot state in the report that we had an agreement on a discussion that would take place during the 2006 substantive session. That is the reason for our proposal as it stands. I hope that this answers the question posed by my colleague from the United Kingdom.

Mr. McBride (United Kingdom): My apologies for coming back. My concern is that, in the amended version, we now have quotation marks; we have the quotation of what was agreed. Whether or not that

agreement holds — we all accept that it is part of the package — is a different issue, but the paragraph which was agreed by my delegation and a number of others included an explicit reference to 2006.

I think that we all agree that, until the whole package is agreed, we will not have any substantive sessions, so it is a bit of a historical discussion. However, if we are trying to reflect what happened last week, we need to have the text as it was negotiated and accepted *ad referendum*, subject to agreement over the entire package. That text included a reference to 2006, and I do not see how we can produce a report that does not make reference to the exact wording of the text.

The Chairman: I should like to remind delegations that it is about 5.22 p.m. We should keep our eyes on the clock.

Mr. Shamaa (Egypt): I share the concern expressed by our colleague from the United Kingdom. But I think he would agree with me that the deletion of "2006" in paragraphs 6, 8 and 9 would be wrong in this case. Therefore, if we are going to keep "2006" in the formulation proposed for paragraph 10, then we would insist on keeping "2006" in the other paragraphs as well.

The Chairman: After the representatives of the United Kingdom and of Cuba have spoken, I propose that the Commission give me the opportunity to see what I can do.

Representatives should recall that the factual presentation of what happened here is one thing; this was a factual issue. I was given this piece of paper. Paragraphs 8 and 9 are different; I was not given any particular piece of paper. It was based on a summation of our understanding of what happened.

Paragraph 10 was relatively controversial. We asked for, and had, a recess. As I said earlier, this was one of the highlights of the discussion; the various groups were able to meet and come up with this piece of paper, which is an agreement that we reached, and I reflected that in the wording.

As I said, there were no quotation marks. If there had been quotation marks, I would have included them. We all agreed that it was not an agenda item but an issue. The formulation of how that issue is supposed to be handled is reflected here, as a fact, in paragraph 10. So, as I see it, there is a slight difference between paragraphs 10, 9 and 8.

As concerns the reference to 2006, I agree to a large extent with the representative of Egypt, as we felt that, since we are not discussing substance in 2005, what we are working on is for 2006. This particular paragraph said 2006. But if it is the Commission's wish to remove it, we can do so.

Mr. McBride (United Kingdom): My delegation cannot accept the removal of the reference to 2006 in paragraph 10, as this was part of the agreement that was explicitly handed over to you, Mr. Chairman.

I understand what my Egyptian colleague is trying to put forward in terms of paragraphs 8, 9 and 6. As I said earlier, until we actually discussed the measures for improving the effectiveness of the methods of work of the Disarmament Commission, you, Sir, as Chairman, refused to discuss what session we were talking about, and it was left deliberately vague in order for us to address one issue at a time. It was a very deliberate effort which brought some results.

Perhaps a way around this problem would be to come back to my earlier proposal, which has been raised by at least one other delegation, which is to have a summary. Instead of having a chronological order of what was agreed, we could just say, "On 20 July, the following package was agreed." We could add something along the lines of "it contained two agenda items and the following discussion point for the 2006 session", and then just highlight factually items 1 and 2, and then the paragraph as agreed — the exact wording — all of them in quotation marks. That would replace paragraphs 8, 9 and 10, and would make it very clear what was agreed, what was the entire package. It does the linkage, and it takes away all this question of whether we were discussing the start of the 2006 session, or that of 2007 or 2005; it just keeps it very clear.

I understand that it will not reflect the progress of the discussions over the various days and the progress that we made every day, but, at the end of the day, we either have a package or we do not, and I think that maybe the end result is more important than the process.

Mr. Gala López (Cuba) (*spoke in Spanish*): I shall be very brief. Obviously we will be awaiting your proposed language, but it seems to us that paragraph 10, as proposed by Armenia and later amended, would have been a simpler way of reflecting

the agreed package, without requiring exact references to what you, Sir, received or references to the substantive session of 2006. Thus perhaps we could avoid having to make such a specific reference by handling it the same way as we handled paragraphs 6 and 7, when we speak of

(*spoke in English*)

a substantive session

(*spoke in Spanish*)

and thus paragraph 10, as proposed by Armenia, would stand, with only this change. This, I think, is in keeping with that the representative of Egypt said.

The Chairman: Would the representative of Egypt, having heard the intervention by the representative of Cuba, accept the suggestion that we look at the proposal by Armenia, as amended by Iran and Cuba? We do not want to go back to the idea of putting everything in one big so-called package, because we have already adopted paragraphs 7, 8 and 9. We cannot go back. We have to deal with paragraph 10, taking into consideration what we have agreed in previous paragraphs.

Mr. Shamaa (Egypt): First of all, I think we are working on the basis that nothing is agreed until everything is agreed. That is my first point.

The second point concerns the proposal made by the representative of Armenia. I think that it has been amended in the course of our discussions over the past hour. We put forward a proposal regarding language to be reflected in paragraph 10.

The Chairman: At this stage we have two formulations. The first, which I have labelled the Armenian one, reads:

> "On 20 July 2005, the Commission also agreed, *ad referendum*, as part of the package, including the two agenda items, that the issue of measures for improving the effectiveness of the methods of work of the Disarmament Commission would be considered in plenary meetings at its 2006 substantive session, with equitable time allocated to it."

The Egyptian suggestion reads:

> "On 20 July 2005, the Commission also agreed, *ad referendum*, in addition to the two agenda items agreed to above, to include the following text in its report: 'Measures for improving the methods of work of the Disarmament Commission will be considered in plenary meetings at its substantive session, with equitable time allocated to it.'"

The two are similar. However, one element — the reference to the 2006 substantive session — is not present in the Egyptian proposal. I appeal to representatives to focus their attention on those two similar proposals so that we can get out of this hole.

Mr. McBride (United Kingdom): With regard to the Egyptian proposal, as you, Sir, have called it, I cannot accept quotes which do not make reference to anything that existed prior to this particular meeting. On 20 July, a text was agreed among various delegations. If that text is not within quotation marks, then I do not see what we are quoting. The quotation marks are there to quote text which was agreed, and on 20 July the text which is being put forward by Egypt now did not exist. We had a text which made reference to 2006. I think that if we adopt the Egyptian proposal, which qualifies the fact that we take the subject only as part of a wider package, I think that the only things that can be within quotation marks are the texts that we agreed as a Commission *ad referendum*.

I just cannot understand the logic of quoting something that did not exist on the day that we are claiming it was agreed.

The Chairman: Perhaps the representative of Egypt could respond to that. If we are going to have a quotation, we should, as the representative of the United Kingdom suggested, quote verbatim et literatim what was agreed.

Mr. Shamaa (Egypt): Indeed, there is great logic in what the representative of the United Kingdom said. I think that he would concur, however, that our discussions on the agenda items for the substantive session were, at that time, specifically for 2006. We were not discussing the agenda of the 2005 substantive session.

The Chairman: I am in members' hands. I should add here that there was a general understanding that we were working for 2006. That is why the reference to 2006 is included in paragraphs 8 and 9. In paragraph 10, it was not because we are working for 2006, but because that is what members asked for. That is why it is there. The reference to 2006 in the previous

paragraphs was because that was the understanding — we agreed that we were not in substantive session. That is obvious. Nothing could be clearer. We were not, of course, working for the 2007 substantive session. We all agreed that we did not have an agenda. Somehow, whether it was formally agreed or not, that was the understanding — we did not have an agenda for substantive work for this year. So what we are working for is obvious, is it not? It is for the next session. That is the reason why 2006 was mentioned in paragraphs 8 and 9. We could have done something different for paragraph 10, except that the drafters told me that they wanted it in that particular session. They could have said 2007 or 2008.

I suggest that we look at the Armenian proposal again so as to avoid misquoting anyone. If we are going to quote, it must be verbatim et literatim. I am calling it the Armenian proposal because it was suggested by the representative of Armenia, although Iran and Cuba gave us some ideas for improving it, which we accepted. It is on the table. I suggest that we spend two minutes looking at it again. I will not bang the gavel yet. Let us at least look at it again and reflect on it. I will be suspending the meeting soon, so let us look at it for two minutes. We do not have much time. It is 22 minutes to six o'clock. We are almost there. Could we just look at the proposal again?

We amended the first line. We did not interfere, in effect, with the proposal presented to me. The amendment by Armenia, as improved by Cuba, is to what I call the chapeau. The rest of it reflected what was given to me. If it is the wish of the Commission at this stage to include a quotation mark in the first line so that it would read the issue of "measures for improving the effectiveness" and so forth, that would be fine. In other words, the Commission would be adjusting the proposal which was agreed by the two major groups. So let us just look at the Armenian proposal again. The paragraph would read:

> "On 20 July 2005, the Commission also agreed, *ad referendum*, as part of the package, including the two agenda items mentioned above, that the issue of measures for improving the effectiveness of the methods of work of the Disarmament Commission will be considered in plenary meetings at its 2006 substantive session, with equitable time allocated to it."

All we came here to do last Wednesday or Thursday was to adopt the report. There was no attempt to edit it. Of course, we had to go through it paragraph by paragraph in order to adopt it. But I am sure that we were not expecting any detailed analysis of the various paragraphs. We were in the mood to adopt the report. So I hope that that spirit, which pervaded the room on Thursday and on Friday morning, will return today. Let us get the report out. Because if we are unable to do that, we will defeat the gains that we have made.

Whether we like it or not, we did achieve something; no one can minimize that. So I would appeal to members, at this late stage, to get this clear. We are just stating what happened, and we are trying as much as possible — and I know it is not always possible — not to analyse or to bring in other issues. But, although members may feel that we should mention the word "package" here, I did not want to mention it; the word "package" was a negotiating tool. That is why, in paragraph 11, I put the word "package" in inverted commas. It was a negotiating tool; it was not substantive; it was an understanding to facilitate our work. I am sorry if I sound as if I were preaching, but I think we have to concentrate and underscore the gains we have made by not prolonging our discussion of exactly what happened.

So could we just look quickly at the Armenian proposal and see whether we can accept it and then move ahead? We are almost there.

Mr. Najafi (Islamic Republic of Iran): As I said in my previous intervention, Mr. Chairman, the problem is the difference between the contexts. What you have presented as a written agreement among the various regional groups was in a different context. If you refer to the second version of the draft report (A/CN.10/2005/CRP.2/Rev.2), you can see that, in paragraph 11, we refer to the agenda items for the 2006 substantive session. Indeed, that was suggested, and at the time I agreed; then it was orally amended and agreed. However, I believe that the formulation presented by the representative of Egypt, if I understood it correctly, was that if we retained the references to the year 2006 in other paragraphs, perhaps the problem might be solved. And I did not hear any objection to that proposal.

The Chairman: I do not want us to go back. But if we can thereby advance our work, suppose we go

back and keep the "2006" in the previous paragraphs, as I had recommended. Would we then agree to keep "2006" in paragraph 10 and also to retain the amendment by the representatives of Armenia, Cuba and Iran? As I said, I hate to go back. But if it can get us out of this hole, can we retreat a little in order to jump forward, accelerate and gain a few more steps ahead? Then, I think, we will be fine. So let us go back — the Secretariat will make the editorial changes — and keep "2006" in the previous paragraphs with the understanding that since there was no 2005 substantive session, the next one will be in 2006. Let us keep "2006".

Mr. Najafi (Islamic Republic of Iran): Perhaps I should clarify my earlier comment. I was not referring to all paragraphs, including paragraph 6, because what I said would not apply there; I was referring only to paragraphs 8 and 9. In paragraph 11 of your second version, you refer to the two agenda items as the agenda items for the 2006 substantive session. As I said, my last proposal was based on the Egyptian proposal: it was that we use the Egyptian formulation for paragraph 10, with the quotation. Within that quotation, perhaps the reference to 2006 might be justifiable.

The Chairman: I thank the representative of Iran for that clarification. Maybe I should refer to the representative of Egypt, since he made a substantial recommendation. Would the representative of Egypt go along with the suggestion that we keep "2006" in paragraphs 8 and 9 and that we retain "2006" in paragraph 10?

Mr. Shamaa (Egypt): We can go along with maintaining "2006" in paragraphs 8 and 9 and with the formulation that we have read out for paragraph 10, to include "2006".

The Chairman: First, let us get this clear: we agree to go back and retain the references to "2006" in paragraphs 8 and 9.

It was so decided.

Miss Majali (Jordan): I thank my colleague who noticed that my delegation had been requesting the floor for perhaps 15 minutes. I hope, Mr. Chairman, that you were not ignoring my delegation. In any case, I would just beg your indulgence: please repeat the Armenian proposal slowly, at dictation speed. Please also note that, if I heard the Egyptian proposal and the representative of Cuba correctly, the latest proposal was based on the Armenian proposal.

The Chairman: I am sorry that I did not give the floor to the representative of Jordan. By no means would I deny any delegation the opportunity to speak.

Mr. McBride (United Kingdom): I am coming back, Sir, to your proposed amendment in terms of paragraphs 8 and 9, on which I was trying to comment earlier. I do not believe it is an accurate reflection of what was being discussed; those are not issues that you were willing to discuss on 18 or 19 July. I am wondering whether, as a way to preserve accuracy and, at the same time, the spirit of the negotiations, which has been highlighted by a number of people, we should go back to my earlier proposal: that we try to regroup all the elements as part of the one package that was agreed on 20 July. On 20 July, we agreed on a package. Previously, we had agreed *ad referendum* on various elements. On 20 July, we agreed on a package, which had three elements, which we could quote in inverted commas. So it is clear what the final package is. I think that it would contain the linkage elements and the start-of-the-session element and that it would fully reflect what happened on 20 July. Once we had the final element of that package, we had the package that was being considered.

The Chairman: I reluctantly agreed to go back on the issue of 2006. As Chairman, I do not believe that I should go back to the idea of grouping things unless the Commission compels me to do so. We have come a long way. I accept in principle the proposal by the representative of the United Kingdom, but in my view we have gone beyond that stage.

There was a proposal that, if we were to refer to 2006 in paragraphs 8 and 9, we could include a reference to 2006 in paragraph 10. What I therefore intend to do, at the request of the representative of Jordan, is to have the representative of Armenia read out paragraph 10 again. I also take note of the Egyptian proposal contained in the quotation that he put forth. I understand that, at this stage — given that we have agreed to include reference to 2006 in the three paragraphs — he would have no objection to including a reference to the 2006 substantive session in the quotation he cited to us. I ask the representative of Egypt whether that is correct. In other words, the Egyptian quotation would read as follows: "Measures for improving the effectiveness of the work of the

Disarmament Commission will be considered in plenary meetings at its 2006 substantive session ...".

Mr. Shamaa (Egypt): I apologize to our colleague from Armenia.

The Chairman's understanding is correct in terms of the quotation. As to the language of the paragraph, it would include the amendment proposed by Egypt to the original formulation put forth by Armenia.

The Chairman: If we had had the time, I would have asked the representatives of Armenia and Egypt to sit down together to come up with a formulation for us. Perhaps the representative of Armenia could help us by reading out the formulation slowly, as the representative of Jordan requested that it be read out at dictation speed.

Ms. Aghajanian (Armenia): I shall read out the initial proposal, and then make a comment.

> "On 20 July 2005, the Commission also agreed, *ad referendum*, as part of the package including the two agenda items mentioned above, that the issue of measures for improving the effectiveness of the methods of work of the Disarmament Commission will be considered in plenary meetings at its 2006 substantive session, with equitable time allocated to it."

That was the proposal I made, which was amended by Cuba and Iran.

I would like to mention that, if the Commission agrees on the Egyptian proposal, we would have no problem agreeing to it.

The Chairman: If that is the case, I would like to see how the representative of Armenia can merge the new proposal for the first line with the Egyptian proposal, which, according to my notes, reads as follows: "On 20 July 2005, the Commission also agreed, *ad referendum*, in addition to the two agenda items agreed to above ... ". Is that correct?

Mr. Müller (Germany): I want to supplement what the representative of the United Kingdom has just said. I think that the idea of reflecting the final outcome — namely, including in the report the full quotation of the package agreed *ad referendum* on 20 July — would actually reflect much better the entire understanding we have arrived at, instead of now trying to figure out every single agreement on what day it was reached.

Mr. Journès (France) (*spoke in French*): I associate myself fully with what has just been said by the representative of Germany in endorsing what was said by the representative of the United Kingdom on behalf of the European Union.

Mr. Hunger (Switzerland): I would just like to echo what has been said by the representatives of Germany and France with regard to the statement made previously by the representative of the United Kingdom on behalf of the European Union. We fully support that statement.

Ms. Notutela (South Africa): I am a little confused. I did not really intend to join this discussion, but I would just like clarification. What was the point of our agreeing to reopen paragraphs 8 and 9 in terms of the reference to 2006? What was the purpose of that? I had thought that the purpose of revisiting paragraphs 8 and 9 was to insert "2006". If my recollection is correct, my colleague from Egypt did not have any problem with reinserting a reference to 2006 in paragraphs 8 and 9. I am therefore a little confused, as representatives are now talking about supporting what the representative of the United Kingdom said. I had thought that the United Kingdom actually wanted a reference to 2006 in this paragraph. I need someone to clarify this matter for me.

The Chairman: I would kindly ask the next speakers to speak for only 30 seconds, so that I may have time to make a statement.

Mr. McBride (United Kingdom): To clarify the point that my South African colleague has raised, it is a question of when the reference to 2006 came up. We only discussed 2006 in the context of the substantive session. At the moment we are discussing a factual report. We feel that including a reference to 2006 in paragraphs 8 and 9 would not reflect where the facts are. To go around this problem, we are suggesting having one paragraph replace paragraphs 8, 9 and 10, and perhaps even including the spirit of paragraph 11. That single paragraph would present the package that was agreed on 20 July, which included all three elements. We would therefore have all three elements as part of one package in one area, so that it is very clear what we decided, as opposed to having three separate elements, in which case it would be very difficult to try to indicate the linkages and how the entire package works. I think that, for the sake of clarity, it is worth having all three elements presented

side by side, as part of one conclusion, as a final package.

Mr. Gala López (Cuba) (*spoke in Spanish*): I shall be very brief. I would like to associate myself with the statement made by the representative of South Africa. I believe that merely including a reference to 2006 in paragraphs 8 and 9 would clarify the wording.

The Chairman: When we accommodate ourselves, we sometimes create more problems. There was some suggestion that we should look to the original paragraphs. If everything was fine in that regard, then the report would incorporate everything into one huge paragraph. As the Chairman, I therefore thought that, because of the circumstances, we should use separate listings. As I see it, there was no formal agreement on a package on 20 July. On 20 July we had got to the point where we had already agreed on the two agenda items and on this issue; thus the assumption that the package that representatives were talking about had been agreed. That is why I refer to the objective of the package. We did not formally approve a package on 20 July. That was not my understanding.

But that is beside the point. There are several ways of handling this report. I thought that we could do it chronologically, in the way we dealt with the issues. That was reflected in the report. We agreed on paragraphs 8 and 9, and I gaveled on it.

At this point, we cannot go back to the idea of putting everything into a big basket or package. There is only one accommodation we can make, because we are in a hole. I believe that the two delegations were correct in saying that if we were to go back and retain the references to 2006 in the two previous paragraphs, we could also keep it in paragraph 10. The idea is that if the Armenian proposal could be merged with the Egyptian proposal and that if we were to agree that the reference to the issue should be in a quotation and that the quotation should include the reference to 2006 agreed by the groups, that would solve the problem.

So the Egyptian proposal is similar to the Armenian proposal:

> "On 20 July, the Commission agreed, *ad referendum*, in addition to the two agenda items agreed to above, to include the following text in its report:",

The quotation would be the language that was presented to me, including the reference to 2006.

That is where we are. I do not think that, at this stage, we can go back to the extent of abandoning this. This is a factual report. As I said, we could put everything into one paragraph. But I believe it is important that the report reflect the fact that we did achieve something. We can say that in one line.

On Friday, not a single delegation was prepared to let us know how to handle the amendment that had been proposed that day. We agreed that it was not going to be discussed. But I came back and put up my antennae in the various groups.

So I appeal to delegations: it is now 6:04. I have listened to the interventions of the representatives of France, Germany, the United Kingdom, Switzerland, South Africa and Cuba on this issue. I want us to resolve this. I ask the indulgence of the interpreters: we will not continue a minute beyond 6.10 p.m. We have seven more minutes.

Mr. Shamaa (Egypt): I will be brief. With regard to paragraphs 8 and 9, the reason for retaining the references to 2006 is very simple: on 18 and 20 July, we were already working in a mode of preparation for 2006; no one was talking about a 2005 substantive session any longer. In contrast, Sir, when you held the informal consultations and informal meetings in June and July, my delegation and other delegations were working to achieve an agreement on an agenda for a 2005 substantive session; hence our agreement to delete the reference to 2006 in paragraph 6. However, paragraphs 8 and 9 reflect only our negotiations over the past week.

But my delegation is not going to hold discussions on those two points if they pose such a problem for other delegations. Just for the record, on 18 and 20 July, when we were discussing the agenda items, I believe that it was the understanding of everyone here that we were talking about the 2006 substantive session.

So we can go along with the references to 2006 being included or omitted in paragraphs 8 and 9, although, with regard to paragraph 10, the amendment that we made to the proposal by the representative of Armenia should be adopted. I believe you have that language, Mr. Chairman.

The Chairman: Am I correct in my understanding that if we were to make a direct quotation, the representative of Egypt would now not mind the inclusion of "2006" in the quotation.

Mr. Shamaa (Egypt): I said that in my previous intervention, Mr. Chairman.

The Chairman: I just wanted to emphasize that point so that the rest of the Commission would understand and so that we can move forward.

Mr. Journès (France) (*spoke in French*): Depending on where elements are reintroduced, as our colleague from Egypt just indicated with regard to the agreement on various paragraphs, nothing is agreed until everything is agreed. And there is no agreement on paragraphs 8 and 9 until we agree on the rest. The request by the representative of the United Kingdom — which I spoke about earlier, as did the representatives of Germany and Switzerland — that there be no selective treatment in quoting one part of what was a package as opposed to the rest of the text, which we believe would pose a problem of understanding with respect to the balance of the package, remains relevant.

Mr. McBride (United Kingdom): My understanding is that if we are now considering the inclusion of "2006" in paragraphs 8 and 9, they are no longer closed paragraphs, but are reopened.

I would like to refresh your memory, Mr. Chairman, with regard to our meeting on 20 July, at which we were considering document A/CN.10/2005/CRP.2/Rev.1. I think you will recall that a version of that document included your proposals for agenda items 1 and 2 in the annex. And there was also a paragraph 12, which read:

> "At the same meeting also, the Commission agreed that the issue of measures for improving the effectiveness of the methods of work of the Disarmament Commission will be considered in plenary meetings at its 2006 substantive session, with equitable time allocated to it".

During the 20 July meeting, it was agreed by the Commission that we would make an amendment to the draft report that would create a paragraph 11 bis, which would integrate the Chairman's two proposals in the annex into the main body of the document, under "Conclusions and recommendations". As far as my delegation — and, I believe, a number of other delegations — understood, that was to better reflect the idea that we now had a package. And so the idea of a package was formally recognized at the 20 July meeting.

For that reason, we would recommend, as perhaps an elegant way of getting us out of this hole, that we reflect the creation of the package and that we not dwell too much on what was agreed or not agreed beforehand, because obviously there are differences in interpretation. We should focus very much on the agreement that we had a package of three linked elements that could be considered only as part of the package. I believe that all delegations had the correct understanding of that issue. Whether we had the correct understanding beforehand, on 18 and 19 July, and whether or not we were talking about 2006 were not open for discussion in terms of the formal meetings of the Commission. But on 20 July, we suddenly had a package and a greater understanding of when we would start substantive sessions. And I believe that if we could reflect that in the final report, perhaps we would be able to make progress.

The Chairman: I agree that nothing is agreed until it is agreed; all I am saying is that I have no objection as to how we are going to do it. We can reconstruct everything, turn everything upside down, start all over again. As delegates, we have the opportunity to do that, and it is our privilege to do it. But all I am saying is that we agreed that we would proceed paragraph by paragraph. We skipped paragraph 5 for one reason or another. But if members wish to go back to all the paragraphs we have approved, that is fine.

I must emphasize that the only reason why I suggested we use that 2006 reference for those two paragraphs was to facilitate our work. But if it is the wish of the Commission not to do so, to keep paragraphs 8 and 9 intact, as approved this afternoon, we will do so — again, if it is the wish of the Commission.

But now we it seems that we are forgetting about everything. We will come up with a Rev.4 that will put everything in one big basket — I would not even say package — a basket with a hole at the top, from which you can remove anything you want or put it back. We can certainly do so.

My understanding was that we would go step by step, again, to avoid problems. I do not know what the Commission expects me to do. It is past 6 o'clock, and

I need the Commission's guidance as to how we should proceed in the light of the interventions made by members of the European Union and by South Africa and Cuba.

I would suggest that perhaps tomorrow we could devote the morning to informal consultations — not a formal meeting — among the various groups, to let me know how we should proceed. The Commission could probably come up with a revised draft if necessary, or improve on what we have already achieved, since nothing is agreed until it is agreed, and we can proceed from there.

I do not think that the Chair is currently in a position to come up with a Rev.4. It is a new ballgame. I would suggest, therefore, that the regional groups meet informally sometime tomorrow, and then we will meet in the afternoon. Hopefully, I will get some guidance. I will give some thought to the question myself, but I will rely on the consensus, whatever it is, which I hope will be reached in the same spirit that paragraph 10 was crafted. I hope that the same spirit will prevail. I urge members to work in that spirit so as to arrive at a solution that will help us to get this report out.

The Secretariat has just informed me that we do not have a conference room in the afternoon and is suggesting that perhaps we should have informals tomorrow morning. I do not know exactly how long such an informal meeting will go on for. If there is an assurance that we can hold such an informal meeting and that something will come out of it, later on in the morning we can meet formally to adopt the report. I do not intend to hold a formal meeting until I am in a position to determine that we are moving forward. But I am basing this suggestion on the prospect of the report's being adopted — hopefully — tomorrow. I am not in favour of just prolonging the informals. That is why I had suggested that members take the whole morning to meet informally, and that we would then meet formally in the afternoon.

I understand that the interpreters have to take leave of us, so I would encourage representatives wishing to make statements to do so now.

Mrs. Martinic (Argentina): For the record, my delegation would like the Secretariat, at the next formal meeting of the Disarmament Commission, to provide information on how much money has been spent since 18 July.

The Chairman: Can we get sound, just for a few minutes? We will not be long.

Well, this is not the Security Council, which can meet at any time of the day, any day, even Sunday. We are just a Commission, a subsidiary body of the General Assembly.

The meeting was suspended at 6.15 p.m.